

Part - wing

THE  
C A S E  
OF  
JOHN PASCHAL, Esq;  
Late one of the  
Commissioners for Prizes.

**T**HAT he was Constituted One of the Commissioners of Prizes in 1694, and not before; that there were all along Seven or Eight Commissioners of the Prizes in Commission with Mr. *Paschal*, and so continu'd 'til the End of the War, and of this Commission.

That about Five Years before Mr. *Paschal* was a Commissioner, there were several Hundreds of Ships taken by Privateers; that upon Condemnation were in the Management of a distinct Office under the Lords of the Admiralty, called the Receivers of Perquisites, and not accountable for in the *Prize-Office*.

That also the *Prize-Office*, and the then Commissioners thereof, had for Five Years, before Mr. *Paschal* was a Commissioner, many Prizes under their own Management.

That after Mr. *Paschal* was a Commissioner, there were several Accompts made up, and laid before the Auditor, by Order of the Treasury, and afterwards laid before the former Commissioners of the Publick Accompts, and no Objection made unto them.

That all along there was a Treasurer Constituted by His Majesty, by a distinct Commission in the said Office, who receiv'd all the Money arising by the Sale of Prizes; and there was also all along an Accomptant-General in the said Office.

That Mr. *Paschal* never receiv'd One Penny (except his Sallary only,) and therefore was advis'd, he was not accountable, unless for Mismanagement of Sales, or for Fraud or Deceit in the said Office; in which Particulars it is not pretended he is any ways guilty.

That the last Commissioners of Accompts, being enabled by a Clause to take an Account of Prizes, were pleas'd to direct Mr. *Paschal*, and all the other Commissioners, and their Officers, to make up the Accompts according to a Scheme deliver'd to them by the said Commissioners of Accompts, which upon Examination plainly appear'd to be in many Particulars impracticable: And altho' the said Mr. *Paschal* and Mr. *Parkhurst* deliver'd in a perfect Accompt current, and also by transcribing about Six Volumes of Books, endeavour'd with all the Care and Application imaginable to put the Accompts in the Method of the said Scheme, (which was however impossible to be done), yet for not doing the same, Mr. *Paschal* has been continu'd a Prisoner in the Tower for many Weeks.

And now there is, in the Bill before the Lords concerning Taking and Stating the Accompts, a Clause, that Mr. *Paschal* and Mr. *Parkhurst* should be committed Prisoners to the Tower of London to the end of the next Sessions of Parliament, in Case a full Accompt and Certificate of all Prizes during the late War (in the Method and Form to be prescrib'd by the Commissioners therein named) be not made up and deliver'd by them upon Oath before the First Day of September next; which Clause the said Mr. *Paschal* humbly hopes shall not pass as part of the Bill, in regard,

- I. That the same requires him, and only One other of the Commissioners, to make up all the Accompts of Prizes upon Oath from the beginning of the War, when there were Seven other Commissioners equally, at least concern'd with the said Mr. *Paschal*, who was not a Commissioner for above Five Years of the time; and also there were several Hundred Ships taken by Privateers as Prizes, which were not accountable or accounted for in the *Prize-Office* (before the Privateer Act) but receiv'd and accountable for by the Receivers of the Perquisites of the Admiralty, which however by this Clause Mr. *Paschal* is made accountable for.
- II. For that Mr. *Paschal* never meddled with any of the Moneys, nor conceived himself accountable for any thing but the Sale of the Prizes, altho' he must now (by this Clause) Account for all Prizes taken for Five Years before he was a Commissioner, or any ways concern'd therein.
- III. For that this Clause puts him perfectly under the Power of the Commissioners (not to account according to Law) but to account according to the Scheme they shall give, under the Penalty, in Effect of perpetual Imprisonment; and the Commissioners having already given one impracticable Scheme, it is very probable the Scheme will not be much amended.
- IV. For that the Act, without this Clause, is effectually sufficient to Compel the said Mr. *Paschal* to Account before the Commissioners therein named, and puts him equally in the same Condition with all other Accomptants.
- V. That this Clause seems much more hard, in respect it is design'd against the said Mr. *Paschal*, and One other Commissioner only, without taking Notice of the rest of the Commissioners or Officers, altho' there were Six other Acting Commissioners at the time of the Determination of the said Commission.